UNITED STATES PATENT AND TRADEMARK OFFICE

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2008*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10 and 12-15* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10 and 12-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This action is in response to the amendment filed on 08/12/2008, entered by the request

on 10/14/2008.

         Claims 2, 11, 16-25 are canceled. Claims 1, 3-10, 12-15 are pending in the application.

Terms' definitions

2.   CLS = The Common Language Specification is a set of the language features directly
supported by the Common Language Runtime. The runtime specifies the CLS to guarantee
cross-language interoperability. By defining types and rules that all CLS-compliant code must
use, you are guaranteed that a class written in C# can be inherited by VB.NET. You can rest
assured that the data types of parameters are compatible across languages (Utley: Appendix A).

Response to Arguments

3.   This is in response to the arguments filed in Remarks on 08/12/2008.

         By adding *compliant with Common Language Specification (CLS),* Applicants' argument

remarks contented that the "resource identifiers" which is recited in the claims are CLS

compliant. The argument has been shown in the repost of the reference Figure 6.14 into the

argument remarks. It appears Applicants' argument remarks argued that the Utley's resource

identifiers are not *Common Language Specification compliant resources.*

Examiner response: The adding of *Common Language Specification compliant* does not

have the method different from the teaching of Utley that is for managing code execution

environment. This teaching is identified in p. 8: 1-7, "The runtime can check to make sure that

resources on which you depend are available" - P. 121, Figure 6.15, it has "index", where

developers **access database** to verify the input of a given resource identifier of a specific

programming language. In an access database, the index shows it is Visual Basic and C#

concepts.

The word *compliant* merely intends a resource to a certain type of programming language

rather to produce patentability. It is similar as to produce a syntax check for either in C# or C++,

or CLS compliant.

It should be noted that the specification of the present application does not describe

"resource identifier" except using this name. It cannot cause a method to be different from a

reference teaching just merely based on an intended purpose of a claimed language, i.e. the

claimed language does not impart functionality. Because the argument relies the method on

using a limitation () without precise definition in the specification, it will render the claim

indefinite.

On the other hand, the claim recites a method that merely reducing code errors that is

easily performed from the framework of the reference. Adding "compliant with Common

Language Specification", or compliant with Java runtime speciation, or else, but the manner of

the method is the same than it does not make claim patentably distinct. The adding of the

resource identifier for compliant with a specification is not pursuant under 1.111(b) and (c).

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and
> distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claims 1, 3-10, 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claims 1, 3-10, 13-14 recite "code resources that are compliant with Common Language

Specification (CLS)" that renders the claims indefinite.   CLS appears as a subset of Common

Type System (CTS), the CLS determines whether an application is in compliance with specified

criteria. There is no certainty for a fixed specification. Therefore the word "resource" is

undetermined. It is unclear what resource is compliant and what resource in noncompliant since

there is no definition of such a specification. The claimed limitation resource identifier or

resource that compliant to a SPECIFICATION fails to point out particularly claimed subject

matter. For example, today, an identifier "aa" is compliant to a specification , but tomorrow the

specification is changed, it is unsure "aa" is specification compliant or not.

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign
> country or in public use or on sale in this country, more than one year prior to the date of
> application for patent in the United States.

7.   Claims 12, 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Craig Utley,

"A Programmer's Introduction to Visual Basic .NET", SAMS Publishing, 2001 (hereinafter:

Utley).

As per Claim 12: Utley discloses, *A computer-implemented method for reducing coding errors*

prior to runtime in the context of a managed code execution environment, comprising:

providing a developer with access to a plurality of managed code resources (e.g. Visual

STUDIO/Basic .NET [design] in pages 26, 32, 35, etc, having a text box that is accessible to

code resources)*;*

receiving from the developer an addition to the plurality of managed code resources

(See Figure 6.15, p. 119);

verifying that a resource identifier input by the developer corresponds to one of the plurality of

managed code resources by:

> ***providing the developer with a collection of resource identifiers*** (See Figure 6.15, p.

119)***; and***

> ***receiving said resource identifier input from the developer in the form of a selection***

from the collection of resource identifiers.

(Basis .NET is common language runtime, it provides developers to correspond to managed code

resources - see p. 8: 1-7, "The runtime can check to make sure that resources on which you

depend are available" - P. 121, Figure 6.15, it has "index", where developers access database to

verify the input of visual basic identifiers).

As per Claim 15: The rejection is the same as addressed in the rejection of claim 12.

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a whole
> would have been obvious at the time the invention was made to a person having ordinary
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
> by the manner in which the invention was made.

9.   Claims 1, 3-10, 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Craig Utley, "A Programmer's Introduction to Visual Basic .NET", SAMS Publishing, 2001

(hereinafter: Utley).

As per Claim 1: Utley discloses,

A computer-implemented method for reducing coding errors prior to runtime in the context of

a managed code execution environment, comprising:

providing a developer with access to a plurality of managed code resources __that__

__are__ compliant with Common Language Specification (CLS) ; (e.g. Visual STUDIO/Basic .NET

[design] in pages 26, 32, 35, etc, having a text box that is accessible to code resources); *and*

verifying that a resource identifier input by the developer corresponds to one of the plurality of

__*CLS compliant*__ *managed code resources* (Basis .NET is common language runtime, it provides

developers to correspond to managed code resources - see p. 8: 1-7, "The runtime can check to

make sure that resources on which you depend are available" - P. 121, Figure 6.15, it has

"index", where developers access database to verify the input of visual basic identifiers) *by:*

providing the developer with a collection of resource identifiers; and receiving said resource

identifier input from the developer in the form of a selection from the collection of resource

identifiers (e.g., Figure 6.13, p. 116 and Figure 6.14, p.119, Figure 6.15, providing binding data,

string collections, also see section validation controls in p. 142 for verifying).

Utley in the resource identifier verification using the input corresponds to manage code

resources to a specific language which is not CLS compliant managed code resources.

The claimed language "compliant", which is for compliant with Common Language

Specification (CLS), shows it is to change in form of another programming and suggested by

Utley in p. 17, "the Catch", and Appendix A). The use of <u>CLS compliant</u> is only the change in

form or a proportion of the Utley's' teaching.

Therefore, it is obvious to an ordinary of the art with the suggestion of Utley to change

the components and resource identifiers into defined and set forth rule of a specification, will

obtain the same result with respect to the rules of that specification. In this manner it is CLS

compliant.

> In re Rose , 220 F.2d 459, 105 USPQ 237 (CCPA 1955) (Claims directed to a lumber
> package "of appreciable size and weight requiring handling by a lift truck" where held
> unpatentable over prior art lumber packages which could be lifted by hand because
> limitations <u>relating to the size of the package</u> were not sufficient to patentably distinguish
> over the prior art.); In re Rinehart, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976)
> ("mere <u>scaling up of a prior art process capable of being scaled up</u>, if such were the case,
> would not establish patentability in a claim to an old process so scaled." 531 F.2d at
> 1053, 189 USPQ at 148.) (emphasis added).
> In Gardner v. TEC Systems, Inc., 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984),
> cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that,
> where the only difference between the prior art and the claims <u>was a recitation of relative</u>
> <u>dimensions</u> of the claimed device and a device having the claimed relative dimensions
> would not perform differently than the prior art device, the claimed device was not
> patentably distinct from the prior art device. (emphasis added).

<u>As per Claim 3</u>: Utley discloses, ***The method of claim 1, wherein providing a collection of***

resource identifiers comprises providing a collection of resource identifiers that correspond to

a particular class selected by the developer (See Figure 6.15, "index").

<u>As per Claim 4</u>: Utley discloses, ***The method of claim 1, wherein providing a collection of***

resource identifiers comprises providing a collection of resource identifiers in response to an

input by the developer of an activation key (See Figures 6.13-15).

As per Claim 5: Utley discloses, ***The method of claim 4, wherein providing in response to an input of an activation key comprises providing in response to an input of an activation key that follows input of a resource class*** (Developers using combinations of Visual Studio/basic .Net, e.g. using Class View).

As per Claim 6: Utley discloses, ***The method of claim 1, wherein providing a collection of resource identifiers comprises providing a collection of key names*** (Developers using combinations of Visual Studio/basic .Net, connecting the database, e.g. using "index").

As per Claim 7: Utley discloses, ***The method of claim 6, further comprising providing the developer with a resource value that corresponds to a selected one of the collection of resource key names*** (Developers using combinations of Visual Studio/basic .Net, connecting the database, e.g. using "index" and see Figures 6.13-15).

As per Claim 8: Utley discloses, ***The method of claim 1, further comprising providing the developer with a resource value that corresponds to a selected one of the collection of resource identifiers*** (Developers using combinations of Visual Studio/basic .Net, connecting the database, e.g. using "index" and see Figures 6.13-15).

As per Claim 9: Utley discloses, ***The method of claim 8, wherein providing a resource value comprises providing information within a pop-up box***
(Developers using combinations of Visual Studio/basic .Net, connecting the database, e.g. using "index" and see Figures 6.13-15).

As per Claim 10: Utley discloses, ***The method of claim 1, wherein providing the collection of resource identifiers comprises providing information within a drop-down menu*** (Developers

using combinations of Visual Studio/basic .Net, connecting the database, e.g. using "index" and see Figures 6.13-15).

As per Claim 13: Utley discloses, *The method of claim 1, wherein providing a collection of resource identifiers comprises providing a collection of resource identifiers in response to an input by the developer that corresponds to a request for a display of resource information* (The Visual Studio/Basic .NET provides collection of resource identifiers by allowing user to access the database and allows the developers' request).

As per Claim 14: Utley discloses, *The method of claim 1, wherein providing a collection of resource identifiers in response to an input by the developer that corresponds to a request for a display of resource information comprises: providing a collection of resource identifiers in response to an input by the developer that is made when a cursor is positioned at a location associated with information availability* (The Visual Studio/Basic .NET provides the developers to use the cursor and to position at any locations in which the information is available).

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the

Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of

an application may be obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be obtained from either Private PAIR

or Public PAIR. Status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

TTV
December 12, 2008

/Ted T. Vo/
Primary Examiner, Art Unit 2191